



26 APR 2002

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In re Application of  
BURBIDGE, Stephen Anthony, et al.  
Application No.: 10/018,640  
PCT No.: PCT/GB00/02516  
Int. Filing Date: 30 June 2000  
Priority Date: 01 July 1999  
Attorney's Docket No.: PG3733USW  
For: NEW USES FOR POTASSIUM  
CHANNEL OPENERS

## NOTIFICATION

This Notification is in response to applicants' submission, filed 20 March 2002.

**BACKGROUND**

On 30 June 2000, applicants filed international application PCT/GB00/02516, which claimed a priority date of 01 July 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 11 January 2001. On 12 December 2000, applicants filed a demand for international preliminary examination which elected the United States, prior to nineteen months from the priority date. The deadline for entry into the national stage in the United States was midnight 02 January 2002 (01 January 2002 was a holiday).

On 19 December 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 19 February 2002, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497 (a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 19 February 2002, applicants filed five declarations and the fee for late filing of the declaration.

On 06 March 2002, the Office mailed a Notification of Defective Response, indicating that the fourth inventor had not signed the declaration.

On 20 March 2002, applicants submitted a declaration executed by Jonathan Dupere, along with copies of the earlier filed declarations.

**DISCUSSION**

Under 37 CFR 1.41(a)(4), the inventors who submitted an application under §1.494 or §1.495 are the inventors in the international application designating the United States. The inventors in the international application include the inventors named upon filing of the international application or resulting from any changes made under Rule 92bis in the international stage. The record does not reflect any such requests under Rule 92bis during the international stage.

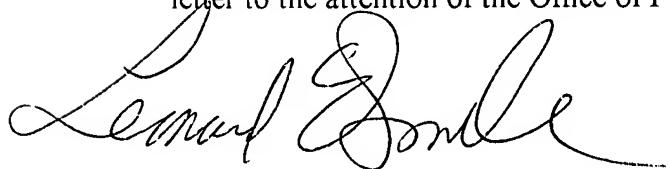
The inventors in the international application are Stephen Anthony Burbidge, Jeffrey John Clare, Brian Cox, Joseph Dupere, Russell Michael Hagan and Xinmin Xie. The inventors on the declaration are Stephen Anthony Burbidge, Jeffrey John Clare, Brian Cox, Jonathan Dupere, Russell Michael Hagan and Xinmin Xie. As Jonathan Dupere is not the same as Joseph Dupere, the declaration fails to comply with 37 CFR 1.497(a)(3).

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b). Attention is directed to MPEP §605.04(c) and the requirement for a petition under 37 CFR 1.182 contained therein, if there has been a change of name. If there was an error in the inventive entity listed on the international application, attention is directed to 37 CFR 1.497(d).

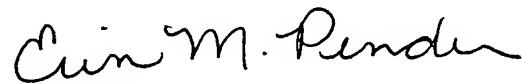
**CONCLUSION**

A proper response as indicated above must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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